

PATENT APPLICATION
Do. No. 4164-158

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John F. Acres

Serial No. 09/694,065 Examiner: Corbett B. Coburn

Confirmation No. 8782

Filed: October 19, 2000 Group Art Unit: 3714

For: A METHOD OF IMPLEMENTING CASHLESS PLAY OF GAMING DEVICES
INTERCONNECTED BY A COMPUTER NETWORK

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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**DECLARATION OF HILLARY BROOKS IN SUPPORT OF
PETITION TO THE DIRECTOR TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181**

I, Hillary A. Brooks, declare as follows:

1. I am a registered patent attorney, Registration No. 45, 815, employed by Marger, Johnson & McCollom, P.C.
2. Marger, Johnson & McCollom, P.C. prosecutes patent applications on behalf of Acres Gaming Incorporated, assignee of the above-referenced patent application. In my capacity as an associate for Marger, Johnson & McCollom, P.C. I have written the appeal briefs with respect to the above application.
3. U.S. Patent Application Serial Number 09/694,065 ("the Application") was finally rejected on June 27, 2002.

4. On behalf of Appellant our office filed a Notice of Appeal and on February 2, 2003, attempted to perfect the appeal by filing an appeal brief in compliance with 37 C.F.R. 1.192.

5. The Examiner issued a Notice of Noncompliance on May 19, 2003, and I filed an amended appeal brief on behalf of Appellant to comply with what I understood the Examiner was requesting.

6. On September 29, 2003, the Examiner reopened prosecution of the Application to correct an error in rejecting the claims.

7. Following the reopening of prosecution, Appellant elected to request reinstatement of the appeal and on their behalf I filed a Supplemental Appeal Brief.

8. On March 17, 2004, the Examiner determined that the Supplemental Appeal Brief failed to comply with 37 C.F.R. 1.192, dismissed the appeal, and issued a notice of abandonment of the Application as no claims had been allowed.

9. I telephoned the Examiner's Supervisor, Tom Hughes, to discuss the notice of abandonment and subsequently received a telephone message from Mr. Hughes indicating that the notice of abandonment would be withdrawn and that I would receive a letter giving Appellant 30 days in which to file an appeal brief in compliance with 37 C.F.R. 1.192.

10. After I contacted Mr. Hughes to find out when the withdrawal of the notice of abandonment would be mailed, Mr. Hughes told me that he had spoken too quickly and had not yet decided whether to withdraw the notice of abandonment.

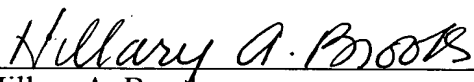
11. Mr. Hughes informed me that he would treat the matter as a motion for reconsideration and would either send me a letter withdrawing the notice of abandonment or would contact me to advise me of the status of the motion for reconsideration.

12. On May 11, 2004, with the deadline for filing the present Petition to the Director under 37 C.F.R. 1.181 rapidly approaching, I left a telephone message with Mr.

Hughes to request action on the motion for reconsideration. On May 12, 2004, Mr. Hughes called me back and after discussion on the matter Mr. Hughes informed me that he would not have time to retrieve the file and get back to me prior to the time by which Appellant had to file the present petition.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.

Dated: May 13, 2004



Hillary A. Brooks